In any hypothetical situation for eventual need to write a blog regarding this five years statue of limitation Golgotha, the title probably would be named:

Quo Vadis the American Justice?

In just the 5 minutes of my role in the hearing, the judge dismissed 5 years of my hopes and efforts to process before the court my file for discrimination.

My bad experience in the previous stages of the case, caused by the defendant's intentionally imposing wrong interpretation of the code of law regarding the statute of limitation, as their only hope to avoid trial based on charge for discrimination happen in this hiring process.

Until now defendant succeeded thanks to the substantial irrational approaching and misinterpreting the timeliness issue, thanks to open support of the previous arbitrators.

My raised flags for literally hundreds of false logical inconsistent statements, lies and open change of the multiple versions of reasons and ways of my elimination from the hiring process, given in written and signed in black and white, by defendant's officials, did not impressed or bothered previous arbitrators including the judge Crabb.

Therefore I decided in advance to test and fill the point of view and opinion of the assigned judge, regarding the timeliness interpretation of the code.

Written communication I had with the judge, in pre hearing period before March 9, 2012, and from her orders as her official response, I noticed discrepancy in opinions related to the interpretations of the code which is supposed to clearly and unequivocally define the very first moment which triggers the time for statute of limitation (timeliness).

This fact bothered and forced me to request from the court (judge) to provide me with official interpretation of the code 111.39 (1) WFEA

Please see attached content of my first and second letters to judge Crabb.

My approaching letter, the judge understood as nonsense, instead of expected original answer I received an excerpt which in essence represented ***an interpretation of the interpretation*** of the code 42 U.S.C. § 2000e-5 (e) (1) and actually it was an opinion taken from the Google, where a group as self declared friends of the court, suggested their version of the interpretation…how is supposed to sound, understand, and apply the term: unlawful

employment practice. Suggestively imposing that **negative decision** in context the mentioned code, actually, has **exact meaning as unlawful employment decision**, and this opinion represent the needed fact to trigger the first moment of the statute of limitation.

I am wondering how is possible that the court did not have capacity or will to provide own official interpreting opinion of the code for which eventually is called to arbitrate.

The word ***eventually*** in the sentence above is inserted intentionally, because in actual case, the issue of timeliness purposely is raised on speculative base... and for my opinion, logical interpretation of the timeliness code is inconsistent, therefore the court did not have authority to judge for a none-existed conflict between parts regarding the timeliness issue.

Upon the correspondence (2 letters in written) I had with judge Crabb, and the conclusion regarding her interpreting opinion about timeliness, for me situation was clear, her orders literally restricted any single alternatives, therefore I was forced to accept the hearing, solely to fulfill the formal form of process imposed by this situation.

Timeliness may become an issue only in certain and clear situation, and I will try to explain these circumstances...

Especially if is asked, an employer, is supposed to deliver minimally clear decision answer in form of: YES or NO, and at least should thank for shown interest for the position and announcing notice should be dated properly.

Actually, employer decided intentionally to speculate.

They stated that they informed me by the phone call on the date of August 27th 2007 about their negative decision, and since my filing for discrimination was done on June 26 2008, regarding their interpretation of statute of limitation, I was late for 4 days, subsequently my filing is time barred.

I am stating that they never called me and never delivered any decision to me, furthermore the one dated on August 27, 2007.

Until now in previous stages of the case, arbitrators with the laser preciosity were concentrated to discover did this phone call happen, as their and defendants condition, to dismiss the case as time barred.

Hypothetically delivered content, was not of importance, notoriously known facts of frequent change of reasons (versions) for my elimination from the process, too, neither proof in form of false emails, indirectly intending to provide authenticity of the delivered decision content, with missing crucial email attributes: The **senders email address** on the page, and **missing buttons** for **reply** and **forward.**

My own and other two witnesses live testifying facts, did not impress arbitrators and judges. But a single voice of Randy Kiel, with many documented false statements and scenarios of my elimination, succeeded!

Arbitrators and judges desperately wanted to believe that this phone call happen, (because I dared openly to oppose their logical interpretation of codes) supposedly meaning that I was informed that I am not going to be hired, and since that moment, timeliness moment is activated (triggered) and from the date of this call to the date of my filing for discrimination has been passed 304 days, or 4 days over than the limit.

My standing point regarding this situation in both versions of the event
(despite the fact that deliverance of the job decision notice, ever happen or not)
the issue of barred timeliness absolutely may not be raised in any of two options above!

The section 111.39 (1) of WFEA triggering moment for statute of limitation define:
After alleged discrimination occurred

The code 42 U.S.C. § 2000e-5 (e) (1) triggering moment for statute of limitation happen:
After the alleged unlawful employment practice occurred.

The judge, responding to my letter, interpreting the code above in real practice explained:
"Plaintiff alleges that defendant discriminated him by refusing to hire him. Thus, the "alleged unlawful employment practice" was defendant's refusal to hire plaintiff".

In judge's interpretation applying in practice of the code above, is incorrect, none substantial, and **has two major problems.**

The first major problem is **the lack of time coordinates** of the event happen, which is supposed to establish the first moment when I discovered **unlawful employment practice** that was applied to me.

The second major problem is **the quality of the information**, in other words, **may the given information in form of the negative decision be automatically qualified as unlawful discriminating employment practice.**

At the time (the moment) when I discovered discrimination or when discrimination indeed occurred, and I filed for discrimination, I was for sure inside of the period defined by the statute of limitation.

The Negative decisions happen million of times every single day, itself are not, and may not be considered as unlawful employment practice or discrimination.

In the very first moment of any hypothetically deliverance event, the applicant absolutely is not able to be aware of the real facts why he was turned down or refused for the job, especially if decision is not provable, not in written, not explained.

Obviously there is need for time and investigation to discover eventual unlawful employment practice or discrimination was applied to him.

Facts

In my case, interpreting the statute of limitation code in practice, and applying the time coordinate, resulting facts are:

1. The first sign of unlawful employment practice I noticed, when defendant ignored my request in written, to provide to me elementary information: Who was hired (if anyone is hired) and why I am not the chosen candidate?
   The supposed legal time for defendant to respond in my letter was October 15th 2007, even yet without any proof in hand; this date put me into the safe zone of 49 days before timeliness limit.

2. The second provable moment with facts in hand that unlawful employment practice or discrimination occurred or is applied to me, is the moment when In May 2008 met in person in the store, the hired none qualified person for the position of Master Trade Specialist, by name Dennis Roughen.

3. This date place me into the safe zone of 260 days before timeliness limit.

4. Other discriminations that defendant applied to me, are discovered from responding statements of his officials, upon my filing for discrimination.

5. Discovering process revealed facts that defendant, on or about the date of August 21st -23rd 2007, offered the job to also another none qualified person for the position, Ron Zenz.

6. Discovering process in defendant's first response upon my filling revealed facts in black and white, signed and in written that in the first version I was eliminated from a far better qualified and experienced candidate, which is supposed to be Ron Zenz.

7. Discovering process in defendant's latter stage response, revealed significant change in version of my elimination!

8. When defendant accidentally revealed maiden offer for the job to the Ron Zenz, and when my investigation discovered facts that he was non- licensed and non-qualified, supporting further this version, easily would confirm facts of happen discrimination.

9. In the new defendants revised version, the reason of my elimination was explained in the content of two false emails …that my complaining letter about their never ending hiring process, was threatening and that was the 'official reason of my elimination!

10. Discovering process in defendant's latter stage, responses statements of Randy Kiel, revealed at least 8 different versions of my elimination from the hiring process, it seems that I was not able (dummy) to understand my elimination; therefore they needed so many times to repeat the moments and versions.

11. Discovering process revealed facts that almost 90% of all defendants' official statements were false, inconsistent and controversial.

12. Discovering process for my opinion revealed facts that arbitrators intentionally ignored to notice false statements, false emails, many different versions of my elimination, crucial significant change from a version with better Candidate to a version due to threatening letter, and other inconsistencies….

13. For arbitrators who wanted to believe that negative decision was delivered,
    I would ask them:
    How they picked the proper version of my elimination among of 8 versions, given in written by Randy Kiel, in her written statements?
    How they may pretend to hide and neglect acknowledge about the other discarded versions?

Or, how they may pretend to accept and validate the change of version of my elimination from a better candidate, to a version due to my threatening letter, and from the defendant's dual scenario, both given in written, they may be sure that accepted version is the truthful one?

And how they may explain and hide their knowledge of other version?

14. I am repeating again that defendant never delivered any decision to me.

15. But for explaining purposes, for the believers of the version that deliverance of the decision happen, pretended delivered content do not fulfill or satisfy demanded criteria of the code 42 U.S.C. § 2000e-5 (e) (1) because information at the pretended moment of deliverance in August 27th 2007, did not contained discriminating or unlawful employment practice attributes!

The hearing flow

Essentially non-existed conflict, with judge's Crabbs interpreting approach, is transformed to an issue, for which she felt the need to arbitrate, and she did it in the way she prejudiced.

Indeed what happen in the hearing?

The judge according with her conducting plan offered the first speaking opportunity to the Defendant's attorney and upon that attorney started questioning session with her witness based on well prepared scenario from both sides…

Then upon that, was my turn to challenge truthfulness of her statements…

but not the opportunity to ask over than100 in advance prepared questions regarding her previously, in written given inconsistent and false statements.

I was stopped in my very first and crucial question, and was not allowed by the judge to ask this simple question: Did you discriminate me at the moment of the (pretended) deliverance notice, that I was not going to be hired?

The crucial question is: Why I was not allowed to ask this question?

The answer is simple and very logical: the negative answer momentarily would end the further need for the hearing on the issue of timeliness, while the positive answer would end the need for trial based on my file for discrimination!

The judge avoided my attempt to ask this question, under pretext that I may not challenge at this moment the issue of discrimination, because she (the judge) is the one who is in charge to decide about that (if that moment will ever occur).

Obviously, in the context of my question, the used word **discrimination,** was supposed to describe the tone of the pretended delivered decision notice, did the content of the notice, contain any element of unlawful employment practice or any discriminating fact in order to fulfill the conditions demanded by section 111.39 (1) of WFEA or the code 42 U.S.C. § 2000e-5 (e) (1).

Discriminating decision notice and **discriminative hiring process** are two distinguished terms, and the honored judge was supposed to have known this difference and was not supposed in any case to restrict me to ask the defendant: Was the pretended delivered notice discriminating or no! Discrimination which was supposed to be the main subject of the trial, was not the issue of this hearing, and the judge should have known in advance from our pre-hearing written correspondence, in what kind of context I am asking my question, and since she ordered hearing, any given answer would dismiss the further need for hearing, clearly eliminating disputes between parts at the same time would be eliminated non-existed issue of timeliness, dismissing the need for her ordered hearing in the very first question.

If the defendant continuously is repeating that supposed hypothetical knowledge of negative decision actually represent the condition to trigger the moment of statute of limitation, why I am not allowed to ask him: Was the delivered decision discriminating or was not?

Section 111.39 (1) of WFEA or the code 42 U.S.C. § 2000e-5 (e) (1) explicitly is demanding strictly expressed terms such are: "Unlawful employment practice" or "Discrimination occurred" as the descriptive quality of facts in order to fulfill the condition of timeliness.

Otherwise the codes above should state explicitly: Any negative decision represent or trigger

the starting moment for statute of limitation!

Stripped (sole) hypothetical negative decisions do not contain any attribute from the codes above and may not trigger timeliness moment.

ALJ (Administrative Law Judge) confirmed clearly that decision notice in which she believed that was delivered to me was none discriminating.

The content of the false emails, which is supposed indirectly to authenticate what was the content of delivered decision, either do not confirm any unlawful event or discriminating fact.

Purpose of my first question was formally to eliminate (eventual) disputes or conflict between parts, and avoid unnecessary hearing for non-existed issue.

In other side during our written conversation judge ignored my proposal to ask the defendant the same question, and for the same reason at the hearing she restricted this question again.

A full week before hearing I requested on the same question direct answer from defendant, and was short for an answer on the pretext that they are not obligated to respond prior of 30 legal days, and when recently I reminded them about their obligation to deliver expected answer, they responded that the case is dismissed and they will not respond.

Case is dismissed, I hope temporarily, but it is not closed yet and their obligation still remains.

Defendant reading the judge's mind, attempted to escape from this obligation, do not means anything but indeed prove that the hypothetical conflict regarding the existence of appeared facts of any discrimination in pretended moment of deliverance do not exist, and consequently do not exist at all the issue of timeliness.

There must not exist the possibility that someone else may pretend to evaluate any possible discrimination applied toward me, unless the other party accept clearly and unequivocally responsibility for what happen, otherwise should gave up from double-faced advocacy, while

denying possible discrimination, imposing to me the opinion when I was supposed to fill discriminated!

In order that this defendants promotional logic to be admissive, the code 111.39 (1) of WFEA or 42 U.S.C. § 2000e-5 (e) (1) must explicitly state that any negative decision trigger the first moment for statute of limitation timeliness.

And in this case, that absolutely is not the truth.

The dismissing decision written and "explained" in less than 15 rows, none providing a single fact, why is believed in defendant's story and truth, speak itself for the reached judgment!

Conclusion

I have hope that this court would have the capacity and willing to honestly review the case properly and furthermore logically interpret the codes:

Section 111.39 (1) of WFEA or the code 42 U.S.C. § 2000e-5 (e) (1)

which explicitly is demanding strictly expressed terms such are: "Unlawful employment practice" or "Discrimination occurred" as the descriptive quality of facts in order to fulfill the condition of timeliness.

This will open or clear the way to unburdened process of the case.

I am also expecting that court should request or order for simple expertise upon my demand, that defendant is obligated to provide electronically from the senders email address forwarding button, the original of sent emails.

And provide the requested answer on my question.

If emails would turn to be false for which I have reason to belief, and discrimination in the notice be denied, then case is solved at this stage and the road toward trial is open.

Note: confirmation of false emails would reveal the defendant's image, but

even if expertise would confirm originality, this fact still may not satisfy demanding attributes in order to trigger the timeliness moment.

File for discrimination will remain unchanged and would be provided upon your response in my appeal.

With respect

Bahri Begolli  04.10.2012

If my appeal would have a positive response from the court, I have to other requests:

1. The trial is to be processed by the jury members!
2. The assigned judge for the case, this time, must be male!

Attached to this document are:

1. My first letter to the judge Crabb
2. The judges Crabb response
3. My second letter to the judge Crabb
4. The judges Crabb second response
5. The courts dismissing decision